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Opinion

1958

March 28

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CONCORD, N.H.

Mr. Paul E. Farnum
Acting Commissioner
Department of Education
State House Annex
Concord, New Hampshire

Dear Mr. Farnum:

This is in reply to your letter of March 27, 1958, in which you requested our opinion as to whether or not a supervisor of a town check-list may also serve as clerk of the school district after the school district has voted to adopt the town check-list as the check-list for school meetings in accordance with the provisions of RSA 197:12-a (supp).

The statutory section to which you refer was inserted by Laws of 1957, c. 57, s. 1 which reads in part as follows:

"Any school district, which is coextensive with the town in which it is located, may at an annual school meeting, under an article in the warrant for such meeting, vote to adopt as the check-list for school meetings the check-list of the town. In case of such adoption by the school district the supervisors of the town check-list, acting as supervisors of the check-list for the school district, shall make, post and correct the check-list for the district and shall certify to the same acting as supervisors of the school district. . . ."

Your attention is also directed to RSA 55:1 which provides that:

"A board of supervisors of the check-list, consisting of three legal voters in each town, shall be chosen at each biennial election; but no selectman, moderator, clerk or ballot inspector shall be supervisor."

C O P Y

Mr. Paul E. Farnum

-2-

The section last quoted was obviously written into the law because the legislature was of the opinion that the duties performed by the designated officials were inconsistent. It seems clear to us that the same inconsistency in the respective duties of the town clerk and supervisor of the town check-list also exists with respect to the duties performed by the school district clerk and a supervisor of the town check-list acting as a supervisor of the school check-list.

Accordingly, it is our opinion that in any school district, which is coextensive with the town in which it is located and which has adopted the town check-list in accordance with RSA 197:12-a (supp), a supervisor of the town check-list may not also serve as clerk of the school district. We feel that a different interpretation would defeat the obvious purpose of RSA 55:1.

Most sincerely yours,

George T. Ray, Jr.
Assistant Attorney General

GTR/Jr/lt